

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Red River Rural Telephone Association
2014 High-Cost Universal Service Support
Annual Report

Case No. PU-14-076

Griggs County Telephone Co.
2014 High-Cost Universal Services Support
Annual Report

Case No. PU-14-399

Absaraka Cooperative Telephone Company, Inc.
2014 High-Cost Universal Services Support
Annual Report

Case No. PU-14-406

Midstate Communications Inc.
2014 High-Cost Universal Services Support
Annual Report

Case No. PU-14-407

Halstad Telephone Company
2014 High-Cost Universal Service Support
Annual Report

Case No. PU-14-408

Midstate Telephone Company
2014 High-Cost Universal Services Support
Annual Report

Case No. PU-14-409

Moore and Liberty Telephone Company
2014 High-Cost Universal Services Support
Annual Report

Case No. PU-14-533

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Shelly Bauske deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **14th** day of **August, 2014**, she deposited in the United States Mail, at Bismarck, North Dakota, **2 envelopes** with postage, fully prepaid, securely sealed and containing a photocopy of the following document:

Staff Response to Applications to Protect Information

10 PU-14-407 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response
to appl. for trade secret protect.
Public Service Commission

11 PU-14-406 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response
to appl. for trade secret protect.
Public Service Commission

10 PU-14-399 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response to appl. for trade secret protect.
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11 PU-14-76 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response to appl. for trade secret protect.
Public Service Commission

Affidavit of Service
Page 2
August 14, 2014

8 PU-14-408 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response to appl. for trade secret protect.
Public Service Commission

The envelopes were addressed as follows:

Tom Campbell
Olsen Theilen, Ltd
2675 Long Lake Road North
St. Paul, MN 55113-1117

David J. Hogue
225 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000

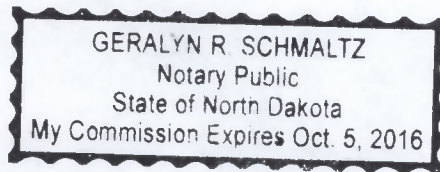
10 PU-14-409 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response to appl. for
trade secret protect.
Public Service Commission

8 PU-14-533 Filed 08/14/2014 Pages: 6
Affidavit of Service by reg. mail - Staff response to appl. for trade
secret protect.
Public Service Commission

The addresses shown are the respective addressee's last reasonably ascertainable
post office address.

Subscribed and sworn to before me
this 14th day of **August, 2014.**

SEAL



Shelly Baush

Gerald R. Schmaltz

Notary Public



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

14 August 2014

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Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

Re: Red River Rural Telephone Association
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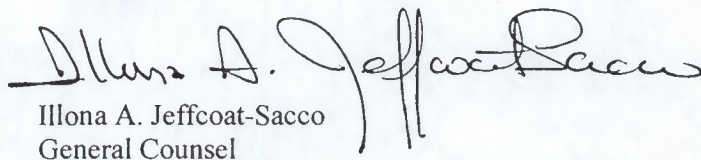
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Case No. PU-14-407

Midstate Telephone Company
2014 High-Cost Universal Services Support
Annual Report
Case No. PU-14-409

Dear Mr. Nitschke:

Enclosed is a Staff Response to the Application for Trade Secret Protection in the captioned cases.

Best regards,


Illona A. Jeffcoat-Sacco
General Counsel

c/w enclosures: Tom Campbell
David Hogue

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Case No. PU-14-533

STAFF RESPONSE TO APPLICATIONS TO PROTECT INFORMATION

On July 1, 2014, Red River Rural Telephone Association (Red River), Griggs County Telephone Co. (Griggs), Absaraka Cooperative Telephone Company (Absaraka), Midstate Communications Inc. (Midstate Comm.), Midstate Telephone Company (Midstate Tel.), and Moore and Liberty Telephone Company (Moore), each filed an application in each company's respective case, to protect certain information contained in each respective company's Form 481, High Cost and Low-Income Annual Report. Each company asserts this information is exempt from North Dakota Century Code § 44-04-18.

On July 11, 2014, Midstate Comm. and Midstate Tel. each filed applications to protect the information contained in Exhibit A, Items 1 and 2 attached to each of the company's Annual Report to the North Dakota Public Service Commission, Essential Telecomm. Carrier Certification (Annual Report). The companies assert this information is exempt from North Dakota Century Code § 44-04-18. On July 30, 2014, Red River, Griggs, Halstad Telephone Company (Halstad), and Moore each filed similar applications. On July 31, 2014, Absaraka filed a similar application.

Each company used the same justification for protecting their Forms 481. Firstly, the information is treated as confidential by the regulations and orders of the Federal Communications Commission (FCC) under 47 CFR §§ 0.457 and 0.459 and FCC orders. Secondly, the information in Form 481 falls within the statutorily-defined exception to North Dakota's Open Records Requirements. North Dakota Century Code § 44-04-18.4(1) provides three elements for the exception to apply: (1) Trade secret, propriety, commercial, and financial information is confidential if it is (2) of a privileged nature and (3) it has not been previously.


The companies assert that the information they provided falls within the definition of trade secret and competitors could obtain economic value from the disclosure of this information. Each company further asserts this information is "of a privileged nature" because disclosing the information is likely to cause substantial harm to the competitive position of the company. Finally, they assert the information has not previously been disclosed. Because of these reasons, the companies believe that the information in FCC Form 481 should be protected.

Each company who filed an application relating to Trade Secret Exhibit A, Items 1 and 2 of their Annual Report also used the same rationale when applying for

protection. First, the information in Trade Secret Exhibit A, Items 1 and 2, is confidential under 47 C.F.R. §§ 0.457 and 0.459 and FCC orders. Likewise, the information falls within the statutorily-defined exception. The companies assert that the information provided falls within the definition of trade secret and competitors could obtain economic value from the disclosure of this information. They further assert the information is "of a privileged nature" because disclosing the information is likely to cause substantial harm to the competitive position of the company. Finally, the companies assert the information has not previously been disclosed. Because of these reasons, the companies believe the information in Trade Secret Exhibit A, Items 1 and 2 should be protected.

Staff believes the information qualifies for the protection the companies seek. For reasons set forth above, staff recommends that the Commission grants the requests of Red River Rural Telephone Association, Griggs County Telephone Co., Absaraka Cooperative Telephone Company, Inc., Midstate Communications Inc., Halstad Telephone Company, Midstate Telephone Company, and Moore and Liberty Telephone Company to protect the information filed in the captioned cases.

Respectfully submitted this 14th day of August 2014.



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